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3 UNITED STATES DISTRICT COURT

4 DISTRICT OF NEVADA

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6 RAYMOND JACKSON,

7 v. Plaintiff,

Case No. 3:19-cv-00115-MMD-WGC

8 STATE OF NEVADA, *et al.*,

9 Defendants.

10 ORDER

11 This is a civil rights case involving Plaintiff Raymond Jackson, who is in custody at
12 the Northern Department of Corrections. Before the Court is Plaintiff's objection (ECF No.
13 24) to United States Magistrate Judge William G. Cobb's minute order (ECF No. 22). For
14 the following reasons, the Court overrules Plaintiff's objection.¹

15 Magistrate judges are authorized to resolve pretrial matters subject to district court
16 review under a "clearly erroneous or contrary to law" standard. 28 U.S.C. § 636(b)(1)(A);
17 Fed. R. Civ. P. 72(a) (a "district judge . . . must consider timely objections and modify or
18 set aside any part of the order that is clearly erroneous or is contrary to law"); see also LR
19 IB 3-1(a) ("A district judge may reconsider any pretrial matter referred to a magistrate judge
20 in a civil or criminal case under LB IB 1-3, when it has been shown the magistrate judge's
21 order is clearly erroneous or contrary to law."). A magistrate judge's order is "clearly
22 erroneous" if the court has a "definite and firm conviction that a mistake has been
23 committed." See *United States v. U.S. Gypsum Co.*, 333 U.S. 364, 395 (1948). "An order
24 is contrary to law when it fails to apply or misapplies relevant statutes, case law, or rules
25 of procedure." *Jadwin v. County of Kern*, 767 F. Supp. 2d 1069, 1110-11 (E.D. Cal. 2011)

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¹Defendants have not responded.

1 (quoting *DeFazio v. Wallis*, 459 F. Supp. 2d 159, 163 (E.D.N.Y. 2006)). When reviewing
2 the order, however, the magistrate judge “is afforded broad discretion, which will be
3 overruled only if abused.” *Columbia Pictures, Inc. v. Bunnell*, 245 F.R.D. 443, 446 (C.D.
4 Cal. 2007). The district judge “may not simply substitute its judgment” for that of the
5 magistrate judge. *Grimes v. City & County of San Francisco*, 951 F.2d 236, 241 (9th Cir.
6 1991) (citing *United States v. BNS, Inc.*, 858 F.2d 456, 464 (9th Cir. 1988)).

7 In Judge Cobb’s minute order, he vacated and had stricken from the docket an
8 inmate early mediation conference scheduled for September 1, 2020 (ECF No. 18) and
9 an order setting a 90-day stay report (ECF No. 19). (ECF No. 22.) Judge Cobb found that
10 an early mediation conference previously occurred on March 3, 2020. (*Id.*; see also ECF
11 No. 14.) Plaintiff argues that “it is a fact that it happened,” therefore “to order it being
12 stricken as though it never happened would be an abuse of this Court[‘]s discretion.” (ECF
13 No. 24.) Plaintiff appears to have mistakenly believed that Judge Cobb struck the March
14 3, 2020 early mediation conference from the record, when in fact he had stricken the
15 conference scheduled for September 1, 2020. Otherwise, Plaintiff agrees with Judge Cobb
16 that the March 3, 2020 conference already occurred. Accordingly, the Court finds that
17 Judge Cobb has not clearly erred in the minute order (ECF No. 22).

18 It is therefore ordered that Plaintiff’s objection (ECF No. 24) is overruled.

19 DATED THIS 16th day of June 2020.

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22 MIRANDA M. DU
23 CHIEF UNITED STATES DISTRICT JUDGE
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